

Fair tonight; increasing cloudiness tomorrow; light variable winds.

NUMBER 3211.

The Washington Times.

WASHINGTON, FRIDAY, MARCH 27, 1903.

TIMES WANT ADS.

BRING RESULTS.

PRICE ONE CENT.

CHARGES AGAINST NORFOLK BUTCHERS

Department of Justice Accuses Them of Conspiracy.

CASE WILL BE HEARD HERE

Four Dealers Alleged to Have Come Together to Charge the Government High Prices.

Solicitor General Hoyt will soon bring action in the District of Columbia, charging four Norfolk, Va., butchers with conspiracy to defraud the Government in the matter of a contract for furnishing meat and vegetables to the Norfolk Navy Yard, and for all ships which touch at that point. It is alleged by the Government that the act of the butchers in "getting together" before submitting bids was in effect a conspiracy to charge a fancy price for the produce sold to the Government, and further that the four butchers entering into the arrangement shared in the profits.

The contracts were opened and awarded at the Washington Navy Yard. On that account United States Judge Waddell, of the Eastern District of Virginia, handed down an opinion yesterday sustaining a demurrer entered by the defendants holding that the Virginia courts had no jurisdiction in the matter.

Proceedings in Local Courts.

The Department of Justice has no recourse from the decision of a Federal court of a State district denying jurisdiction in actions brought by the Government. The result is that the Department of Justice must begin the action anew. Solicitor General Hoyt determined today to commence proceedings in the District of Columbia. The statement was made that conspiracy would be proved against the butchers.

When the matter came up before Judge Waddell yesterday the defendants entered a demurrer to the indictment on the ground that there was no law to prevent bidders from bunching their bids. This point was not decided by the court in passing upon the question of jurisdiction.

The contract for food supplies was awarded by the Washington Navy Yard to A. Marx, and the Government is now making purchases according to its provisions. The acting Secretary of the Navy has the matter under advisement today, and it is expected he will revoke the contract or declare it inoperative until the United States courts pass upon the Government's contention.

STUDENT BECOMES INSANE

AFTER SEVERE HAZING

JANESVILLE, Wis., March 27.—Earl Cleves, of Sioux City, Iowa, has been taken home in a demented condition, it is said, as a result of a severe hazing by his fellow-students at Valentine's School of Telegraphy.

Young Cleves is nineteen years of age. After the hazing he tried to break into several houses to escape a crowd, which he imagined was pursuing him. It is asserted that the hazers stole \$50 from him.

THREE MEXICANS KILLED IN RAILWAY SMASH-UP

Sunset Limited Crashes Into Southern Pacific Train.

SAN ANTONIO, Texas, March 27.—A collision at Lacoate, west of here last night, between the Sunset Limited, and a regular passenger train on the Southern Pacific Railroad, resulted in a bad smash-up, the death of three Mexican passengers and the injury of a dozen persons.

The men who were killed occupied the private car of General Trevino, of Mexico. The general and his wife and son, escaped injury. The Pullman took fire after the crash, so that the bodies of the Mexicans were incinerated. Both trains were eastbound. The passenger train for some unknown reason, stopped at Lacoate, and the limited, traveling at high speed, crashed into it. The caboose, a rear sleeper and the Trevino car were wrecked. The locomotive of the limited was demolished.

Among the injured is W. E. Hess, U. S. A., Hospital Corps, Washington, D. C., leg wrecked.

TREASURY STATEMENT.

Treasury receipts for March 27 were \$1,716,410.13, of which \$29,924.93 was customs, \$764,571.69 internal revenue, and \$91,513.51 miscellaneous receipts. The expenditures were \$1,205,000.

WEATHER INDICATIONS.

The Western high has advanced to Minnesota, and the Eastern high to the Middle and South Atlantic Coast. The winds on the Middle Atlantic Coast will be mostly westerly, and light to fresh.

THE TEMPERATURE.

9 a. m. 50
12 m. 64
1 p. m. 68

THE SUN.

Sun sets today 6:18 p. m.
Sun rises tomorrow 5:53 a. m.

TIDE TABLE.

High tide today 1:22 p. m.
High tide tomorrow 1:40 a. m., 2:05 p. m.
Low tide tomorrow 7:35 a. m., 7:56 p. m.

BUFFALO POLICE MAY NEVER SOLVE MYSTERY

Little Expected as Result of Pennell Inquest.

DEATH SEALS THEIR LIPS

Medical Examiner to Determine Whether Wife Was Drugged on Fatal Day.

BUFFALO, N. Y., March 27.—With the inquest into the murder of Edwin L. Burdick concluded without a single bit of evidence to point to the perpetrator of the crime, the authorities here will now start in on the seemingly impossible task of deciding how Arthur R. Pennell and his wife came to their deaths.

Although the Burdick inquest has closed, the police have not ceased to work on the case with all their energies. New witnesses may come forth at any time. A story from New York today that Inspector McCluskey had been asked to get a statement from Alexander J. Quinn, a bartender in the West Fifty-ninth Street hotel, where Mrs. Burdick was a guest and where Pennell visited, as to whether or not Pennell made a threat that he would kill Burdick, lacked confirmation here. It is known, however, that every place where Mrs. Burdick stayed while she was away from home and while Pennell was in her company, has been visited.

The first witnesses on Monday were the two small boys who saw the Pennell automobile go over the bank into the quarry, and who say that they saw Pennell clutch for his hat just before it did so. Then there are several to testify that the Pennell automobile went slowly up and down the avenue for a long time before it was sent forward at a high rate of speed.

Medical Examiner Danzer has hinted that Mrs. Pennell was drugged on the afternoon she and her husband took the fatal plunge. Her body will probably be exhumed.

Detectives and others working on the Burdick case express the belief that such an autopsy would reveal the fact that Mrs. Pennell had been drugged.

[The account of yesterday's inquest will be found on another page.]

BECKHAM DECLARES HE WILL REMAIN IN RACE

Court's Warning, However, Has Effect on Kentucky Democrats.

MOUNT STERLING, Ky., March 27.—Despite the failure of the court of appeals to decide on his eligibility for re-nomination, Governor Beckham declares he will stay in the race to the finish.

The language of the court, however, in warning any party that it would have to suffer if it chose a candidate who should afterward prove ineligible, has been construed to mean that the court believes Beckham ineligible, although it did not feel called upon to decide the point in the case at issue. Hence the party leaders are afraid to trust to Beckham, and the latest report is that the Louisville contingent will formally request him to withdraw.

If he refuses, the Falls City men will probably desert him, and support John M. Hendricks. Another report is that General Breckinridge will withdraw in favor of Hendricks. If he does so the latter will probably be the nominee.

State Chairman Ollie Young has, to all intents and purposes, deserted Beckham. He is still in hiding, and has heeded none of the governor's appeals for a conference.

BENNING ENTRIES FOR TOMORROW

Chevy Chase Hunt Steeplechase Promises Interesting Event.

The following are the entries announced for tomorrow over the Benning course:

First race—Three-year-olds and upward, six furlongs. Demurrer, Candling, 120; Hinas, 117; Illaria, Dr. Saylor, Ahumada, 101; Mrs. Frank Foster, 96; Charnel, 86.

Second race—For two-year-olds; four and one-half furlongs. Race King, 113; Petunia, 112; Judge, 110; Eclectic, 107.

Third race—Chevy Chase Hunt Steeplechase, two and one-half miles. Kalamazoo, 170; Joe Leiter, 168; Rooster, Two-light, 165; Jacobel, 162; Hawke, Dragoon, 158; Royal Stag, 150; Little Duchess, 148.

Fourth race—Selling; steeplechase; two miles. Monipip, Decatur, Melin, Strike-a-Light, 153; Pohatitan, Third, 146; Kate Spotswood, 144; Gum Honey, 137; Gold Ray, 132.

Fifth race—The Potomac; for three-year-olds; six furlongs. Orioff, 113; Mrs. Frank Foster, 106; Dr. Saylor, 116; Duke of Kendal, 115; Athlana, 111; Tossan, 116; Rosanco, 108; Alan, 111; Athelroy, 116.

Sixth race—Handicap; for three-year-olds and upward; mile and 100 yards. Yellow Tail, 125; Daisy, 124; Locket, 112; Barbara Fritchie, 117; Bar Le Duc, 115; Athelroy, 114; McWilliams, 114; Early Eve, 113; Sam Craig, 112.

Clear weather and a good track.

S. N. D. NORTH CALLS ON PRESIDENT ROOSEVELT

New Census Director to Take Up Work May 15

HE IS FROM MASSACHUSETTS

Col. John S. Mosby Pays His Respects. Veteran at War on Western Cattleman.

President Roosevelt had fewer callers at the White House offices today, prior to the Cabinet meeting than at any time since the Executive offices were first occupied last November. Even the people who came to pay their respects and shake the President's hand numbered barely a dozen.

Senator Lodge spent a short time in conference with the President and Secretary Loeb. The Senator looks for favorable action by the Cuban senate on the reciprocity treaty.

S. N. D. North, the recently selected successor to William R. Merriam, Director of the Census, was formally introduced to the President by Senator Lodge, who was one of his chief supporters. Mr. North is a Massachusetts man.

He spent an hour at the Executive offices, and after seeing the President, had a chat with Secretary Loeb. The new director is planning to take charge of the Census office, in which he formerly held one of the higher subordinate positions, that of chief statistician of the division of manufactures. He will assume control about May 15, provided Director Merriam is able to conclude his work there by that time.

Col. John S. Mosby, the well-known Virginian, who has been investigating for the Interior Department the alleged illegal occupation of public lands in the West by cattlemen, saw Secretary Loeb while the Cabinet was in session. Colonel Mosby has given evidence of all his old-time aggressiveness in making war on the illegal occupants of Government property, but has run counter to strong political influence in the West, which insists upon allowing the cattlemen ample time to turn their invested capital into other channels. He takes the view that they entered into the occupancy of Government property without due warrant of law, and did so consequently at their own risk of loss, and has been desirous of enforcing the law with utmost severity.

DAVIS-ELKINS COLLEGE AWARD TO BE MADE SOON

Architectural Plans Now Being Examined.

Senator Stephen B. Elkins and ex-Senator Henry G. Davis are about to award the architectural contract for the Davis-Elkins College to be erected at Elkins, W. Va. Plans have been submitted by a number of architects and the contract has now come to the point of a decision between two plans. The two men held a conference this morning in the offices of Mr. Davis in H Street, but no action was taken.

The college is to be erected under the auspices of the Presbyterian Church. The two men named have donated \$20,000 with the provision that the Lexington and Winchester presbyteries of that church donate a like amount. This has already been done, and ex-Senator Davis will generously endow the institution. Senator Elkins has already donated the site of the proposed institution, and it will be located on one of the most desirable sites in the State of West Virginia.

The contract for the architectural work will be awarded within the next few days.

PRESIDENT'S PROMISE TO PEOPLE OF CUBA

Would Call Extra Session If Treaty Is Ratified Unanimously.

It is officially admitted today that President Roosevelt recently, through the State Department, promised Cuba that if the Cuban congress should ratify the reciprocity treaty without amendment he would call the United States Congress in extra session prior to the regular time of meeting (the first Monday in December) in order to make complete and effective the ratification by the Senate in the special session held early this month.

This morning Secretary Hay received a cablegram from Minister Squiers at Havana to the effect that there was a strong probability that the Cuban congress would seek to amend the treaty. In reply to this, Secretary Hay cabled that such action should be taken it would invalidate the convention.

The impression prevails at the State Department that there are strong foreign influences at work in Havana against the ratification of the treaty, and this accounts for the recent opposition that has developed in the Cuban congress to ratification without amendment.

If the Cuban congress should ratify the treaty without change, President Roosevelt will probably fix the second week in November as the time for holding the special session.

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- 2—President Addresses Foresters.
- 3—End of Burdick Inquest. William E. Annin Dead.
- 4—Chain of Republican Dailies Planned.
- 5—Baseball, Racing, and Other Sports.
- 6—Editorials.
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NATIONAL STEEL CO. CHANGES ITS NAME

Important Amendments Made in New Charter.

TRENTON, N. J., March 27.—The National Steel Company filed an amended certificate this morning changing the name of the company to the Carnegie Steel Company.

The most important amendment to the certificate is that which practically shuts out stockholders from an examination of the company's books.

The amendment provides that the registered agent may refuse permission to any stockholder to examine the books (except as to the entries affecting the shares owned by such stockholder), unless satisfied that such examination and the information to be acquired thereby are desired for legitimate purposes, and not for a purpose hostile to the interests of the corporation or its individual stockholders, and the determination of the registered agent shall be final and conclusive.

Stock in the Carnegie Steel Company is represented as follows: Charles M. Schwab, one share; Elbert H. Gary, one share; William E. Corey, one share; Thomas Murray, one share; William W. Blackburn, one share; the United States Trust Company, of New York, in trust for the United States Steel Corporation, 629,955 shares.

HOUSE OWNERS FIGHT NEW AUTO STATION

Residents' Statements Submitted to Commissioners.

At the request of Capt. Allison Nailor and others, the District Commissioners today listened to the protest of property owners in the vicinity of Eighteenth Street and Rhode Island Avenue against the location of an automobile station at that point. The Commissioners several days ago granted a permit for the erection of the building to the owner, Alice Riggs, and the hearing today was for the purpose of inducing the Board to rescind the permit.

Commissioner Macfarland said in opening the hearing the Board had acted on the advice of the Corporation Counsel, and he had been invited to be present to advise the Commissioners as to what action could be taken, if any.

Captain Nailor presented the case briefly, saying the noise, confusion, and environment of an automobile station would certainly depreciate the value of property in the neighborhood. Captain Nailor spoke of the condition of his property, and said his home was on the opposite corner, and he felt sure in case the station was allowed to remain he would be obliged to abandon his home and seek residence elsewhere.

Capt. George W. Baird, U. S. N., said he had recently bought a home on Rhode Island Avenue near Fifteenth Street, because it was a quiet neighborhood, and he had looked forward to spending the remainder of his life there after retirement from office. The location of the station there, he declared, would disturb the quiet of the situation, and virtually change it from a residence to a business locality. He asked the Commissioners to rescind their action in the interests of one of the best residence sections of the entire city.

Leon Tobriner adverted to the legal aspect of the question, showing there was no essential difference between the station and a livery stable, which is prohibited by the police regulations. He argued that the Commissioners not only should revoke the permit, but that they should not have issued it in the beginning. At least he thought there should not have been an issue of the permit without the written consent of a majority of the property owners affected.

William D. Hoover, representing George Howard, the applicant for the permit, said the permit had been received, a contract had been entered into, and the building was in process of erection. He said Mr. Howard, representing Miss Riggs, now in Europe, had been to some expense in the matter which should be considered in connection with any action of the Commissioners.

Thousands suffer from a short, hacking cough who might be cured by Pico's Cure.—Ad.

BIDS RECEIVED FOR WEST VIRGINIA ROADS

To Build Twenty-Five Miles of Track Near Otter.

TO COST ABOUT \$1,000,000

Practical Steps for Constructing New Line Which Has Headquarters Here.

Bids were received today by former Senator Henry G. Davis, president of the Charleston, Clendenin and Sutton Railroad, the Coal and Coke Railroad, and the Roaring Creek and Charleston Railroad, for twenty-five miles of road extending from Otter, W. Va., toward the Coal and Coke Railroad. There were seven bidders, but the contract will not be awarded until each bid has been thoroughly canvassed.

The bids were received at the general offices of the company in H Street. The contract will amount to about \$1,000,000, and because of the details in each bid a decision is impossible for a few days at least. A heavy rail will be used on the Charleston, Clendenin and Sutton Railroad. For this use President Davis yesterday ordered 6,500 tons of steel rails from the Carnegie Steel Company, of Pittsburgh.

A Section of a Trunk Line.

The three roads named are to form part of the trunk line projected by Mr. Davis and his associates. Work on the construction of the connecting link of 125 miles will be pushed as rapidly as possible. It has not been decided whether the extension will pass through Sutton, W. Va., but this will be done before the successful bidder for the extension begins his work.

Vice President Arthur Lee, of the C. C. & S. road, is in Charleston today arranging for work under the new contract. William H. Bower, assistant general manager of the West Virginia Central and Pittsburg, has resigned to accept the position of general manager of Mr. Davis' road, and will assume the duties of his new position at once. Notwithstanding various reports, no other officials of the West Virginia Central will become affiliated with Mr. Davis at this time.

President Davis has succeeded in leasing two locomotives to be used on the C. C. & S. until he can obtain a contract for the construction of new motive power. This is impossible at this time because of the overhasty orders filed with every locomotive works in the United States. Mr. Davis has been in the market for some time with his locomotive order, but has so far failed to place it. He desired to place a larger order for steel rails, but the Carnegie Steel Company declined it at this time.

MRS. ROOSEVELT TO SAIL ON THE MAYFLOWER

Mrs. Roosevelt and her children will leave Washington Sunday on the Mayflower for the ten days' trip on Chesapeake Bay previously announced in The Times.

NO MYSTERY CONNECTED WITH MR. SNOW'S DEATH

Chicago Millionaire's Demise Due to Natural Causes.

NEW YORK, March 27.—Mrs. James H. Snow, wife of the millionaire Standard Oil man, who died suddenly in the apartments of Mrs. E. Spencer Hall, in the Hoffman Arms, on Madison Avenue last night, denies this morning that there was any mystery connected with Mr. Snow's death.

When seen at her home this morning, Mrs. Snow said that she and her husband had taken dinner at Mrs. Hall's apartments. After dinner a game of cards was proposed. Mr. Snow complained of feeling ill and while preparations were being made for the card game he sat down on a couch to rest. Without a word or sign to those in the room, Mrs. Snow says, Mr. Snow's head suddenly fell back and he died before assistance could reach him.

Coroner Goldenkranz, after an examination this morning, said that Mr. Snow had apparently died from natural causes.

POSTMASTERS APPOINTED.

Presidential appointments of postmasters were announced yesterday as follows:

New Hartford, Conn., James Widmer; Kramer, Ind., John Perry; Greenfield, Iowa, Henry P. Gow; Lafayette, La., J. R. Domeneaux; Farmer, N. Y., Frank H. Johnson.

Changes among Virginia fourth-class postmasters have been announced as follows:

Abbyville, Bouldin Crowder vice Muscov G. Russell, resigned; Banister, Samuel A. Moorhead vice James E. Gatewood, resigned; Tushes, Charles S. Bennett vice Reuben T. Ramsey, resigned.

CURIOSITY DISCOURAGED.

TEXARKANA, Ark., March 27.—Convicted of breaking into jail to see if a friend was confined there, Louis A. Monette was yesterday given two years for his infraction of the law.

TRF A SURY EXPLAINS REFUNDING PLAN

Government to Share in Profits of Exchange by Placing Premium of Two Per Cent on Bonds to Be Issued.

PRESENT WORTH OF BONDS OUTSTANDING.

Date.	Loan of 1908-18.	Funded loan of 1907.
April 1	104.2572	107.0740
April 2	104.2638	107.0807
April 3	104.2703	107.0873
April 4	104.2769	107.0939
April 5	104.2834	107.1005
April 6	104.2900	107.1072
April 7	104.2965	107.1138
April 8	104.3031	107.1204
April 9	104.3097	107.1271
April 10	104.3163	107.1337

ZION HOSTS MAY PASS THROUGH WASHINGTON

Railroads Prepare for Dowie's "Army of Restoration."

CHICAGO, March 27.—When John Alexander Dowie's hosts travel to New York next October, it will be on a rate much less than one fare for the round trip, if the proposition made at a meeting of Chicago Eastbound lines yesterday is approved.

Dowie's representatives were present and said that it was expected that between 2,500 and 3,000 would go to New York with the "Army of Restoration." As the movement will be the largest of its kind in history, the railroad men have decided that the best possible rate should be given. There was a rumor to the effect that the lines had decided to pool the business, but this could not be confirmed. It was admitted, however, that there had been no scramble for the business, and that there was not likely to be any.

This condition could be accounted for, it was thought, upon no other theory than that of a pool. The Zionites will probably go by one route and return by another. It is known, however, that inducements have been held out to the Dowie menagers. The "healer" has been offered the use of several of the finest private cars extant, and has thus far refused them. It is understood that the majority of the Zionites want to go by way of Washington and return by way of Niagara Falls.

CABINET RESIGNS.

SOFIA, March 27.—The Bulgarian cabinet resigned today. Prince Ferdinand accepted the resignations.

"COMMONER" TO PRESENT SUITABLE CANDIDATES

"Men Who Bolted in 1896 Out of the Question."

LINCOLN, Neb., March 27.—In today's "Commoner" William J. Bryan says:

"The 'Commoner' will from time to time present as Presidential timber the names of real Democrats whose position on public questions cannot be questioned, and whose fidelity to the party cannot be made an issue in the campaign."

"The 'Commoner' has no choice between those who stand for Democratic principles; it simply draws the line between those who look to the rank and file for their promotion and those who rely upon the corporations, first, to aid their candidacy; second, to secure their election, and third, who will allow the corporations to dominate their administration."

"A man who has had no chance to make a conspicuous record, but whose record is good so far as it is made will be a much better candidate than one who has a conspicuous record on the wrong side of public questions. The effort to put a man at the head who bolted in 1896 would be ridiculous if it were not serious."

"The party wants a candidate for whom it needs not make an apology, whose Democracy is not in doubt."

CONSOLS STILL DROPPING.

LONDON, March 27.—Consols were dull at the opening of the stock market today, and there was a further decline of 1-16.

CARDINAL TO ATTEND.

BALTIMORE, March 27.—Cardinal Gibbons has accepted an invitation to attend the inauguration ceremonies of the St. Louis Exposition. He will offer the opening prayer on the occasion, April 30 next, as he did at the dedication of the World's Fair in Chicago in 1892.

New Issue as Basis for Circulation to Expand Bank Currency and Relieve Stringency of the Money Market.

A statement has been issued by Assistant Secretary Allen of the Treasury Department, for the information and guidance of national banks and others desiring to avail themselves of the provisions of the act of March 14, 1900, under which Secretary Shaw yesterday issued a circular proposing the exchange of certain classes of outstanding bonds for the new 2 per cent bonds provided for by section 11 of the act mentioned.

In Secretary Shaw's circular is used the expression "present worth of an income of 2 1/4 per cent per annum," which means such a price as would yield to the investor a return of his money at the maturity of the bond, with interest on the sum invested by him at the rate of 2 1/4 per cent per annum, realized in quarterly payments.

A table has been prepared by the Government actuary, and this is used in Mr. Allen's explanatory statement.

Value of Bonds.

To take advantage of the offer it will be necessary for banks owning bonds lodged with the Treasurer of the United States as security for circulation to surrender duplicate receipts representing such bonds before the exchange for the new 2 per cent is made. In the statement which is given below money is assumed to be worth 4 per cent. If a higher rate is assumed the profit will be a trifle smaller than indicated.

A bank exchanging its bonds on April 1, 1903, for consols of 1908 will receive as follows: For a \$10,000 bond of 1903, \$225.72 cash and a \$10,000 2 per cent bond; for a \$10,000 bond of 1907, \$567.40 cash and a \$10,000 2 per cent bond—that is, the value of the old bond upon a 2 1/4 per cent basis April 1, 1903, is: Loan of 1908, \$104.572; funded loan of 1907, \$107.0740.

These bonds, when exchanged, are paid for in a new 2 per cent bond valued at, for refunding purposes, 102, the balance being paid in cash. If the bank purchases these bonds at a price above these figures, it is paying an additional premium for the consols of 1908.

Relief to Money Market.

The plan advanced by Secretary Shaw, it is hoped, will result in relief to the money market before next fall. The circular announces that he will receive, for refunding, bonds of the 4 per cent funded loan of 1907 and of the 3 per cent funded loan of 1908, to an amount not exceeding \$100,000,000.

The object is to get an additional amount of 2 per cent bonds, which can be used as the basis of circulation. If the expectation of the Secretary is realized and \$100,000,000 in bonds are refunded in 2 per cent the national bank currency can be expanded sufficiently to relieve any stringency that may come in the late summer and fall when the crop moving season arrives.

Government Shares in Profit.

In order that the Government may share in the profit of this exchange a premium of 2 per cent has been decided to be placed upon the bonds to be issued. If the new bonds were to be issued at par, there would be a profit to the owner of the bonds, taking the present market valuation as a basis, of about 4 per cent for the 3 per cent bonds surrendered, and about 5 1/2 for the 4's of 1907. The 2 per cent bonds are the most desirable on which to issue circulation, as the tax on them is only one-half of 1 per cent.

JUDGE CLABAUGH TO BE CHIEF JUSTICE

Succeeds Judge Bingham—Ex-Senator Pritchard Appointed to Vacancy.

Judge Harry M. Clabaugh was appointed by the President today to succeed Judge Edward F. Bingham as Chief Justice of the Supreme Court of the District of Columbia. Ex-Senator Pritchard is appointed to the judgeship on the District Supreme Court bench, made vacant by the promotion of Judge Clabaugh.